

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re application of: Christopher M. Schnabel, et al.	Date: April 2, 2008
Serial Number: 10/597,012	Examiner: Nguyen, Tai V.
Filed: 07/06/2006	Group Art Unit: 3729
Title: Micro-electromechanical sub-assembly having an on-chip transfer mechanism	IBM Corporation D/18G, B/300, Zip 482 2070 Route 52 Hopewell Junction, NY 12533-6531

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated March 23, 2009.

The Examiner in the aforementioned Office Action has required restriction under 35 U.S.C 121 and 372, stating that the elected claims 1-23 belong inventions which are not linked in a manner to form a single general concept.

1. Group I, claims 1-18, an on-chip system comprising one or more carriers
2. Group II, claims 19-23, an on-chip system comprising a plurality of carriers.

Applicants elect Group I, claims 1-18.

The election of Group I is made with traverse for the following reasons:

Applicants submit that the alleged difference between Group I and Group II revolves about the difference between an on-chip system comprising at least (i.e., one or more) carrier(s) having many parts, and an on-chip system comprising the same “plurality” of carriers having the same parts. Therefore, the difference between the two is deemed to be inexistent.

Applicants further submit that if, “arguendo”, two different applications would have been written, one having Group I (claims 1-18), and the second, Group II (claims 18-23), it would have invited a rejection of the latter application having the claims of Group II as being obvious for double patenting.

Applicants further submit that the restriction requirement under 35 U.S.C 121 and 372 is unwarranted since it does not require any additional search and as such does not impose an undue burden on the Examiner.

Respectfully submitted,

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